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Attorney Docket No.: 2870(203-3505PCTUS)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Philip C. Roy

Examiner:

Thanh K. Truong

Serial No.:

10/528.851

Group: Art Unit 3721

Filed:

NON 3 0 500g

March 23, 2005

Dated:

November 22, 2006

For:

PNEUMATIC POWERED SURGICAL STAPLING DEVICE

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. It is respectfully submitted that copies of the U.S. references cited are not required since this application was filed after June 30, 2003 pursuant to 51 C.F.R. 1.98.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 22, 2006.

Dated: November 22, 2006

Edward C. Meagher

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- [] This information disclosure statement is being filed within three (3) months of the filing date of this application.
- [] This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- [] To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- [] Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- [] Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(2).
  - [] Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
  - [] Please charge the \$130.00 petition fee to Deposit Account No. 21-0550.
- [] Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- [X] Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- [X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time

during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account <u>21-0550</u>. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. <u>21-0550</u> therefor.

## TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

Edward C. Meagher Reg. No. 41,189

Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP 445 Broad Hollow Road Suite 225 Melville, New York 11747

Tel.: (631) 501-5700 Fax: (631) 501-3526

ECM/gm

**PATENT** 

Atty. Docket No.: 2870(203-3505PCTUS)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Philip C. Roy

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Serial No.:

10/528,851

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Dated: November 22, 2006

For:

PNEUMATIC POWERED SURGICAL STAPLING DEVICE

Mail Stop: Amendment

**Commissioner for Patents** 

P.O. Box 1450

Alexandria, VA 22313-1450

#### **AMENDMENT TRANSMITTAL FORM**

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [ ] Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established by a verified statement previously submitted.
- [] A verified statement to establish small entity under 37 C.F.R. § 1.9 and 1.27 is enclosed.
- [X] No additional fee is required.

The fee has been calculated as shown below:

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|   | (Col. 1)                         |         | (Col. 2)                              | (Col. 3) SMALL   |       | LENTITY       |      |       | ENTITY        |
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| TOTAL                                       | 10*                              | MINUS   | 20**                                  | =                | X 25  | \$            | Х    | 50    | \$0           |
| INDEP.                                      | 2*                               | MINUS   | 3**                                   | =                | X 100 | \$            | Х    | 200   | \$ 0          |
| ☐ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |                                  |         |                                       |                  |       | \$            | Х    | 360   | \$0           |
|   |                                  |         |                                       | ADDIT. F         | TOTAL | <u>\$ -0-</u> | OR T | OTAL  | \$0           |

<sup>\*</sup> If the entry in Co. 1 is less than entry in Col. 2, write "0" in Col. 3.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: November 22, 2006

Edward C/Meagher

<sup>\*\*</sup> If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

<sup>\*\*\*</sup> If the "Highest No. Previously Paid For" IN THIS SPAŒ is less than 3, enter "3".

The Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

| [] | Please charge Deposit Account No. <u>21-0550</u> in the amount of \$ sheet are enclosed. | Two (2) copies of this |
|----|--|------------------------|
|    |  |                        |

[] A check in the amount of \$\_\_\_\_ is enclosed.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. <u>21-0550</u>. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. <u>21-0550</u> therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

Edward C. Meagher Reg. No. 41,189

Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP

445 Broad Hollow Road Suite 225 Melville, New York 11747

Tel.: (631) 501-5700 Fax: (631) 501-3526

ECM/gm

without references

Sheet

1 of

**INFORMATION DISCLOSURE CITATION** IN AN APPLICATION

Docket Number (Optional) 2870(203-3505PCTUS) Application Number 10/528,851

Applicant

Philip C. Roy

(Use several sheets if necessary)

Filing Date March 23, 2005 **Group Art Number** 

3721

### **U.S. PATENT DOCUMENTS**

| Examiner | Document  |               |                |       |           | Filing Date                            |
|----------|-----------|---------------|----------------|-------|-----------|--|
| Initial  | Number    | Date          | Name           | Class | Subclass  | if Appropriate                         |
|          | 4,938,408 | July 3, 1990  | Bedi et al.    |       |           |  |
|          | 4,951,861 | Aug. 28, 1990 | Schulze et al. |       |           |  |
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|          | 5,431,322 | July 11, 1995 | Green et al.   |       |           |  |
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|          | 5,628,446 | May 13, 1997  | Geiste et al.  |       |           |  |
|          | 5,636,780 | Jun. 10, 1997 | Green et al.   |       |           |  |
|          | 5,645,209 | July 8, 1997  | Green et al.   |       |           |  |
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|          | 5,862,972 | Jan. 26, 1999 | Green et al.   |       |           |  |
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| Examiner |           |               |                |       | Considere | d                                      |

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.